

KLEINBERG, KAPLAN, WOLFF & COHEN, P.C.

ATTORNEYS AT LAW

551 FIFTH AVENUE

NEW YORK, NEW YORK 10176

(212) 986-6000

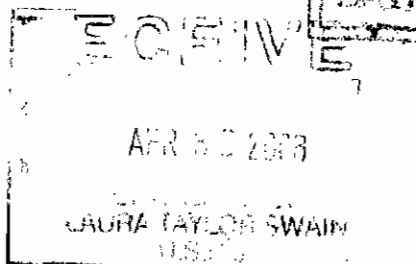
FACSIMILE (212) 986-6000

USDC SDNY
DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: MAY 01 2008



April 30, 2008

MAURICE S. SPANBOCK

BRUCE D. STEINER*O

ROBERT L. BERMANA

MATTHEW J. GOLD

LODI F. KRIEGER*

OF COUNSEL

JAMES I. RAPP

MARC R. ROSEN*^A

GEORGETTE MILLER*

JASON P. GRUNFELD

JAMIE L. NASH

ANNA VUJIC

MONIKA JAIN

KELLY E. ZELENEN

DAVID Y. PARK

SOFIA S. TSITSAREV

DANIELLE A. ROTHMAN

CHRIS M. TERRY*

JASON DIENER*

*ALSO ADMITTED IN NJ

OALSO ADMITTED IN FL

AALSO ADMITTED IN DC

*ADMITTED ONLY IN NJ & PA

OADMITTED ONLY IN HI

FREDRIC A. KLEINBERG

MYRON KAPLAN

NORRIS D. WOLFF

JAMES R. COHEN

STEPHEN M. SCHULTZ

DAVID PARKER

JEFFREY S. BORTNICK

MARTIN D. SKLAR

JAMES R. LEDLEY^A

PHILIP S. GROSS*

CHRISTOPHER P. DAVIS

LAWRENCE O. HUI

ANDREW M. CHONOLIS

ERIC S. WAGNER

ROSS L. YUSTEIN*

SHARON M. TOMAO

ROBERT S. SCHNEIDER

MAX KARPEL

Direct Dial: 212.880.9880

E-Mail: DParker@KKWC.com

By Hand Delivery

Hon. Laura T. Swain
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007-1312

MEMO ENDORSED

re: **UniCredito Italiano SpA, et al. v. JPMorgan Chase Bank, et al., No. 02 Civ. 5328 (LTS) (JCF) ("UniCredito")**

DK Acquisition Partners, L.P., et al. v. JPMorgan Chase & Co., et al., No. 08 Civ. 0446 (LTS) (JCF) ("DK")

Avenue Capital Management II, L.P., et al. v. J.P. Morgan Chase & Co., et al., No. 08 Civ. 0447 (LTS) (JCF) ("Avenue Capital")

Dear Judge Swain:

On behalf of the Plaintiffs in the above-captioned cases, we respectfully request that Plaintiffs be permitted to file under seal the papers they served Monday, April 28 yesterday in opposition to Defendants' Motion for Summary Judgment (Item 3.3 on the parties' Preconference Statement dated April 26, 2008), as follows:

Plaintiffs' Joint Memorandum in Opposition to Summary Judgment on Loss Causation

Plaintiffs' Joint Response to Defendants' Statement of Material Facts Pursuant to Local Rule 56.1 and Statement of Additional Material Facts in Opposition to Summary Judgment

KLEINBERG, KAPLAN, WOLFF & COHEN, P.C.

Hon. Laura T. Swain
April 30, 2008
Page 2

Affidavit of James B. Heaton, III in Support of Plaintiffs' Joint Statement of
Material Facts Pursuant to Local Rule 56.1

Plaintiffs request that these documents be filed under seal because they include
and/or contain material from documents and testimony that has been designated by the
Defendants or Enron as Confidential or Highly Confidential.

I have conferred with counsel for the Defendants and Enron, and they have
consented to this request.

Yours respectfully,



David Parker
Counsel for DK Plaintiffs

cc: David Woll (by email)
Alan C. Turner (by email)
Counsel for JPMorgan Chase Defendants

Michael E. Gertzman (by email)
H. Seiji Newman (by email)
Counsel for Citigroup Defendants

Clifton Elgarten (by email)
Counsel for Enron

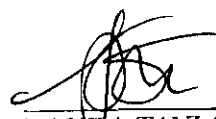
Charles G. Berry (by email)
Robert Goodman (by email)
Counsel for UniCredito Plaintiffs

J.B. Heaton (by email)
Counsel for DK Plaintiffs

David A. Barrett (by email)
Counsel for Avenue Capital Plaintiffs

*The request is granted.
Courtesy copies shall be
provided for chambers.*

SO ORDERED.



5/1/08
LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE